



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Safety

4 (Amendment)

5 805 KAR 7:050. Training of miners for new work assignments.

6 RELATES TO: KRS 351.103 ~~[351.105]~~

7 STATUTORY AUTHORITY: KRS 351.102, 351.106

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.102 and KRS 351.106

9 requires the department to establish ~~[require the Department of Mines and Minerals to establish,~~
10 ~~according to criteria and standards determined by the Mining Board,~~] a miner training program
11 that includes training of miners who receive new work assignments. This administrative regulation
12 establishes a program of training and examination for miners who receive new work assignments.

13 Section 1. Task Training. (1) A miner who receives a new work assignment shall not
14 perform the work duties until he has completed a training program as provided in Section 1(2) of
15 this administrative regulation if his new work assignment requires direct operation of:

16 (a) Mechanical machinery;

17 (b) Electrical machinery; or

18 (c) Equipment in connection with:

19 1. Mobile equipment operations;

20 2. Blasting and drilling operations;

21 3. Haulage and conveyor system operations; or

1 4. Roof control.

2 (2) The training program for miners who receive new work assignments shall include:

3 (a) Health and safety aspects and safe operating procedures for work tasks, equipment, and
4 machinery;

5 (b) Supervised practice during nonproduction;

6 (c) Supervised operation during production;

7 (d) New or modified machines and equipment; and

8 (e) Mining and mine safety related issues.

9 Section 2. If a miner becomes qualified under the provisions of this administrative
10 regulation to perform a work assignment, he shall continue to be qualified thereafter if the miner
11 demonstrates safe operating procedures in performance of the work assignment. Each licensee
12 shall maintain current documentation on the mine premises that the miner has demonstrated
13 proficiency in work assignments pursuant to Section 1(1) of this administrative regulation.

14 Section 3. The provisions of this administrative regulation shall not be construed to alter
15 or deprive a person of a right or duty accruing to that person by virtue of a labor-management
16 contract.

805 KAR 7:050 approved for filing.
Pages (1-2)

8/14/2017

Date

Charles G. Snavely

Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency by September 19, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:050
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes a program of training and examination for miners who receive new work assignments.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a program of training and examination for miners who receive new work assignments.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 351 provides the department the authority to promulgate administrative regulations to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes the requirements and terms of the annual retraining program.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 351.102 and KRS 351.106 requires the establishment of miner training programs. This administrative regulation establishes a program of training and examination for miners who receive new work assignments.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This amendment makes changes necessary to implement the requirements of SB 249 from the 2017 Legislative Session.
- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to remove the Mining Board as the agency that establishes the standards of the training program. This authority has been given to the Division of Mine Safety.
- (c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by requiring the department to establish a program of training and examination for miners who receive new work assignments rather than the Mining Board.
- (d) How the amendment will assist in the effective administration of the statutes: KRS 351.102 and KRS 351.106 requires the establishment of miner training programs. These amendments are necessary to implement the requirements of SB 249 from the 2017 Legislative Session giving the authority to determine standards to the Department for Natural Resources rather than the Mining Board.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to any entity that operates coal mine within Kentucky or is a certified miner or wishes to become a certified miner.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will follow a miner training program for miners who receive new work assignments with standards approved by the department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a cost increase associated with the proposed amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be no change in benefits because the department through the Division of Mine Safety was already performing these duties.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No. All certified miners will be required to meet the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:050
Contact Person: Michael Mullins, Reg. Coordinator

Contact number: (502) 782-6720
Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Natural Resources, Division of Mine Safety.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.103; KRS 351.102; 351.106
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.
 - (c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.
 - (d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.